

PR#9833

PARRISH, DAN

4/15/2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.,
Plaintiff,

vs. CASE NO. 05-CV-00329-GKF SAJ

TYSON FOODS, INC., et al.,
Defendants.

DEPOSITION OF DAN PARRISH
TAKEN ON BEHALF OF THE DEFENDANTS
ON APRIL 15, 2009, BEGINNING AT 2:15 P.M.
IN OKLAHOMA CITY, OKLAHOMA

APPEARANCES:

On behalf of the PLAINTIFF:

Mr. J. Trevor Hammons
Mr. Dan Lennington
OKLAHOMA ATTORNEY GENERAL'S OFFICE
313 Northeast 21st
Oklahoma City, Oklahoma 73105
(405) 522-2801
thammons@oag.state.ok.us

On behalf of the DEFENDANT-CARGILL, INC. AND CARGILL
TURKEY PRODUCTION:

Ms. Theresa Hill
RHODES, HIERONYMUS, JONES, TUCKER & GABLE
100 West 5th Street, Suite 400
Tulsa, Oklahoma 74103
(918) 582-1173
thill@rhodesokla.com

Also Present: Ms. Teena Gunter
REPORTED BY: Laura L. Robertson, CSR, RPR

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(Appearances Continued)

On behalf of the DEFENDANT-PETERSON FARMS, INC.:

Mr. Bruce Freeman

CONNER & WINTERS

4000 One Williams Center

Tulsa, Oklahoma 74172

(918) 586-5711

bfreeman@cwlaw.com

On behalf of the DEFENDANT-GEORGE'S, INC. AND GEORGE'S
FARMS, INC.:

Ms. Jennifer Lloyd

THE BASSETT LAW FIRM

221 North College Avenue

Fayetteville, Arkansas 72702

(479) 521-9996

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1 MR. LENNINGTON: Dan Lennington for the
2 State of Oklahoma.

3 MR. HAMMONS: Trevor Hammons for the State.

4 MS. GUNTER: Teena Gunter for the Oklahoma
5 Department of Agriculture Food and Forestry.

6 MS. HILL: Theresa Hill on behalf of
7 Cargill, Inc. and Cargill Turkey Production, LLC.

8 MS. LLOYD: Jennifer Lloyd for George's,
9 Inc.

10 MR. FREEMAN: Bruce Freeman for Simmons.
11 WHEREUPON,

12 DAN PARRISH,
13 after having been first duly sworn, deposes and says
14 in reply to the questions propounded as follows,
15 to-wit:

16 DIRECT EXAMINATION

17 BY MS. HILL:

18 Q. Mr. Parrish, I have handed you two documents
19 that we have marked as Exhibit 1 and Exhibit 2, will
20 you take a look at Exhibit 1 and tell me if you have
21 seen this document before?

22 (Defendant's Exhibits 1-2 marked for
23 identification)

24 A. Yes, I will. Yes, I have.

25 Q. Okay. And what is this document that has

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1 MR. LENNINGTON: Object to the form.

2 THE WITNESS: I do not have any detailed
3 understanding because our divisions regulations that
4 we enforce do not include a CERCLA.

5 Q. (BY MS. HILL) So you cannot testify today
6 as to whether any cost incurred by your division were
7 response costs as defined under CERCLA?

8 MR. LENNINGTON: Objection, legal
9 conclusion.

10 A. I was requested to come here and to testify
11 to the document that I have presented that shows the
12 costs for poultry regulations by our division, based
13 upon the rules and regulations in Oklahoma, and CERCLA
14 is not part of that.

15 Q. (BY MS. HILL) So those costs that were not
16 incurred as the result of responding to any kind of a
17 release of a hazardous substance?

18 MR. LENNINGTON: Objection, legal
19 conclusion.

20 THE WITNESS: That is not correct.

21 Q. (BY MS. HILL) You believe that the costs
22 that are documented in Exhibit No. 2 are the result of
23 responding to the release of a hazardous substance?

24 MR. LENNINGTON: Objection, legal
25 conclusion.

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1 table was done between January 28th, 2009 and today's
2 date, the 15th of April.

3 But many of those documents were put
4 together in this form by me on January 28th, or
5 finalized, but each one of the individual financial
6 documents for each year again came from the finance
7 department of the Department of Agriculture on those
8 individual years.

9 Q. So you commenced putting together this
10 document on January 28th, 2009?

11 A. I concluded putting together this document
12 on January 28th, '09. I would have prepared it a few
13 days before that.

14 Q. In January 2009 when you put together this
15 Exhibit No. 2, what was your understanding of your
16 assignment?

17 A. Same as I have previously testified to a
18 number of times, and what is entitled on the very
19 first page of it, to come up with the Oklahoma
20 Department of Agriculture Food and Forestry
21 Agricultural Environmental Management Services
22 expenditures to regulate the poultry industry, and
23 then specifically in the Illinois River Watershed.

24 Q. Did you have any understanding in January of
25 2009 as to what a response cost under CERCLA was?

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1 response costs incurred by ODAFF which would include
2 any costs that the state is trying to recover from the
3 defendants in this case?

4 A. Yes, that's our Defendant's Exhibit No. 2.

5 Q. All right. And with regard to topic 3,
6 CERCLA is not a -- is CERCLA a statute that you work
7 with everyday and are generally familiar with in
8 detail?

9 A. No.

10 Q. Okay. Do you have in your mind the names
11 and contact information of people who know about the
12 costs and response costs that you talked about here
13 today?

14 MS. HILL: Object to the form.

15 A. Yes.

16 THE WITNESS: Yes.

17 Q. (BY MR. LENNINGTON) And who would be those
18 people?

19 A. Myself, Daniel Parrish and Tina Gunter.

20 Q. Anybody else?

21 A. Well, the finance department at the
22 Department of Agriculture that generated a number of
23 the attachments.

24 Q. Okay. Does Exhibit 2 -- yes, Exhibit 2,
25 does that include the amounts of money that ODAFF has

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1 spent to enforce the Oklahoma Registered Poultry
2 Feeding Operations Act and the Oklahoma Waste
3 Management, Waste Applicators Act?

4 A. Yes.

5 Q. Did you understand my question?

6 A. Yes, the Oklahoma Registered Poultry Feeding
7 Operations Act and the Oklahoma Poultry Waste
8 Applicators Act, yes, to enforce those.

9 Q. Was the Oklahoma Registered Poultry Feeding
10 Operations Act created to regulate the potential
11 releases of pollutants from poultry waste?

12 MS. HILL: Object to the form.

13 THE WITNESS: Yes.

14 Q. (BY MR. LENNINGTON) Was the Oklahoma Waste
15 Applicators Act created to regulate the potential
16 releases of pollutants from poultry waste?

17 A. Yes.

18 Q. Does AEMS and ODAFF, by operation, regulate
19 poultry waste in part because of the potential
20 environmental harm that could result from the land
21 application of poultry waste?

22 MR. FREEMAN: Object to the form.

23 THE WITNESS: Yes.

24 Q. (BY MR. LENNINGTON) Does ODAFF regulate
25 poultry waste in part because it contains phosphorous?